

# EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Vantage, Inc.,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No.: 6:08-2765-HMH
v.	)	
	)	
Vantage Travel Service, Inc.,	)	
	)	
Defendant.	)	
	)	
	)	

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**EXPERT REPORT OF WILLIAM O. BEARDEN**

**I. INTRODUCTION**

I, William O. Bearden, submit this report on behalf of Vantage, Inc. in the civil action case (Number 6:08-2765-HMH) of *Vantage, Inc. v. Vantage Travel Service, Inc.* I am a University of South Carolina faculty member in the Moore School of Business at the University of South Carolina, living in Chapin, SC. My education, academic experience, and other qualifications follow. I have been retained by the Plaintiff, Vantage, Inc., to offer opinions regarding likelihood of confusion caused by the Defendant's use of the VANTAGE mark. I anticipate being called to provide expert testimony at trial regarding opinions formed resulting from my investigation and review.

**II. QUALIFICATIONS**

I have a Bachelor of Science degree in industrial management from Clemson University, a master's degree in business administration from the University of Georgia, and a Ph.D. in business administration from the University of South Carolina. In the course of pursuing my masters and Ph.D. degrees in business administration, I studied economics, management, marketing, quantitative methods, statistics, business policy, consumer behavior, and other subjects. As part of my Ph.D. in business administration, I majored in marketing with minors in economics and production management. My dissertation focused upon consumer perceptions of brands and the development of brand attitudes, including consumer information processing theory related to brand attitudes. I received my Ph.D. in 1975, and began an academic career as a college professor. I previously taught at the University of Alabama and currently teach at the University of South Carolina. I have been a Full Professor at the University of South Carolina for over 20 years and previously held the Bank of America Chair in Marketing. I am now Distinguished Professor Emeritus and still serve as an active faculty member in the Moore School of Business at the University of South Carolina. During the course of my employment with the University of South Carolina, I have twice won the Moore Business School's Alfred G.

Smith Award for excellence in teaching. Moreover, I have also been awarded the only two university-wide teaching awards – the University of South Carolina Amoco Award for Teaching Excellence and the Michael J. Mungo Award for Excellence in Teaching. I have also received Mortar Board teaching awards on multiple occasions and have received honorary faculty recognitions from the University chapters of ODK, Mortar Board, Golden Key, Delta Sigma Pi, and Beta Gamma Sigma. In addition, I have also received the 2004 University of South Carolina Educational Foundation Research Award for Professional Schools and the 2005 University of South Carolina Trustee Professorship Award.

My university duties include teaching, research, and performing professional and university service activities. I previously served as director of the Doctoral Program in Marketing for the Moore School of Business at the University of South Carolina from 1991 to 2003 and presently serve as the University's Faculty Athletic Representative to the SEC and NCAA. I have chaired numerous dissertations and masters theses that address a range of buyer behavior topics, including customer decision-making and brand preferences. I have published over sixty refereed journal articles and co-authored three books, including a fifth edition marketing textbook with McGraw-Hill Publishers. I continue to serve on the editorial review boards of the most prestigious journals in marketing and consumer research. Presently, I am on the editorial review boards for the *Journal of Consumer Research*, the *Journal of Marketing*, the *Journal of Marketing Research*, the *Journal of Retailing*, the *Journal of the Academy of Marketing Science*, and the *Journal of Consumer Psychology*, having also served as an associate editor for the *Journal of Consumer Research*. A listing of publications for the preceding 10 years is included in Appendix A. A complete resume is included in Appendix D.

### **III. OTHER CASES AND DEPOSITIONS**

Based upon my academic experiences and background, as well as my involvement with a variety of consumer research projects and my consulting activity, I have been qualified as an expert in marketing, consumer behavior, and market research in both federal and state court, and testified in litigation (depositions and court testimony) involving the following areas: marketing management; buyer decision-making; advertising effects; likelihood of confusion; and market research. A listing of the cases in which I have testified as an expert at trial and/or by deposition during the last four years is included in Appendix B.

### **IV. COMPENSATION**

I am being compensated in this case at the rate of \$250 per hour. My expenses from my involvement in this case will also be reimbursed.

### **V. DATA AND INFORMATION CONSIDERED IN FORMING OPINIONS**

I was retained by Vantage, Inc. in this matter to render opinions regarding issues in the case of *Vantage, Inc. v. Vantage Travel Service, Inc.* In doing so, I have considered relevant issues and available materials, including the documents listed in Appendix C. In addition, I have interviewed Renato Vicario and Janette Wesley, and reviewed the websites of the Plaintiff and the Defendant. I also reserve the right to supplement or change the content of this report after

considering any additional data or information that becomes available, as well as offer rebuttal testimony to any forthcoming expert reports.

## **VI. EXHIBITS AS SUMMARIES OR SUPPORT FOR OPINIONS**

In support of my opinions, I anticipate using exhibits at trial to summarize and/or support my opinions, again after considering any additional data or information that may become available.

## **VII. ASSUMPTIONS**

I have been asked by counsel to make certain assumptions. First, neither the Plaintiff, Vantage, Inc., nor the Defendant, Vantage Travel Service, Inc., has a federally registered trademark. Second, given the length of use of the VANTAGE mark by Vantage, Inc. and the breadth of that use, the Plaintiff, Vantage, Inc., has a valid and protectable mark. Third, Vantage, Inc. has superior rights to the VANTAGE marks and all related marks in connection with travel services. Fourth, the United States Court of Appeals, Fourth Circuit, has indicated that a court should consider seven factors in assessing the likelihood of confusion in a trademark dispute: 1) the strength or distinctiveness of the plaintiff's mark; 2) the similarity of the two marks; 3) the similarity of the goods and services that the marks identify; 4) the similarities of the facilities that the two parties use in their businesses; 5) the similarity of the advertising the two parties use; 6) the defendant's intent; and 7) actual confusion.

## **VIII. OPINIONS TO BE EXPRESSED AND THEIR BASES AND REASONS**

I expect to offer testimony at trial regarding opinions that I have formed resulting from my study and investigation. The opinions I hold and the conclusions that I have made are based on my investigation and review, as well as my knowledge, training, and experience. All opinions and conclusions in this statement are made to a reasonable degree of certainty based upon my experience and expertise and the available information provided to date. As explained again below, it is my understanding that additional information is being sought, and I reserve the right to review this information as it becomes available and to offer rebuttal testimony to any subsequent information or expert reports presented by Vantage Travel Service, Inc.

Based on my educational background and experience, and also considering the materials and background information reviewed and the manner in which the marks are being used in the marketplace, my analysis indicates that the seven factors identified by the United States Court of Appeals, Fourth Circuit, provide strong support for a likelihood of confusion and, as such, weigh heavily toward a conclusion of likelihood of confusion. Justification for this opinion of a likelihood of confusion, outlined using these seven factors, is as follows.

1. The Strength or Distinctiveness of the Plaintiff's Mark. Overall, the Plaintiff, Vantage, Inc., has established a strong mark through extensive and lengthy use of the mark VANTAGE in its promotion of quality travel services. To begin, the Plaintiff has used consistently the mark VANTAGE to promote travel services worldwide for over thirty years and in the U.S. for over 29 years. Moreover, the Plaintiff's first

usage of the mark precedes the usage of the mark VANTAGE by the Defendant. Regarding travel services, the Plaintiff's mark is inherently distinctive as the mark suggests the unique quality and specialization of the travel services and travel offerings designed and promoted by the Plaintiff (i.e., "connoting a position of strategic advantage or commanding perspective"). That is, the mark connotes the superior, specialized nature of the travel services provided by Vantage, Inc. and Vicario Renato. In addition, and as the testimony of Mr. Renato states, the Plaintiff has employed the mark VANTAGE in promotion efforts to agencies in all fifty U.S. states. And, in support of these efforts, the Plaintiff has spent thousands of dollars in marketing Vantage, Inc. travel services as evidenced from the affidavit of Susan Schafer and the deposition testimony of Vicario Renato. Moreover, and as the documents in this litigation assert, the VANTAGE mark has been used infrequently by other firms in the travel industry.

2. The Similarity of the Two Marks. Both the Plaintiff, Vantage, Inc., and the Defendant, Vantage Travel Service, Inc., use the mark VANTAGE by itself and in conjunction with other words. The mark VANTAGE is the focal aspect of all the uses of the various marks employed by both the Plaintiff and the Defendant. As such, the marks are identical in their use of VANTAGE when used alone and very similar when VANTAGE is used in conjunction with other words or descriptors to promote travel services. That is, the marks sound similar, appear similar, and connote similar meaning and these similar marks all apply to travel services. Importantly, a review of both websites underscores the important role of the mark VANTAGE, which is used consistently as the dominant portion of the mark for the Defendant, as well as the Plaintiff. Overall then the use of the mark VANTAGE by the Defendant does increase the likelihood of confusion. As such, typical consumers of travel services, as well as travel agents involved in the provision of travel services, are likely to be confused about the source of any mark using VANTAGE to market travel services or confused that the Plaintiff and the Defendant are associated or affiliated.

3. The Similarity of the Goods and Services That the Marks Identify. Both the Plaintiff and the Defendant are offering the same ultimate travel services to both groups and individuals. Obviously, the goods and services provided by the Plaintiff, Vantage, Inc., and the Defendant, Vantage Travel Service, Inc., are similar and this similarity in goods and services, particularly given the similarity of the marks and the common usage of the mark VANTAGE, increases considerably the likelihood of confusion. This similarity in goods and services is evident from the production documents of both the Plaintiff and the Defendant, from the deposition testimony of Renato Vicario, from a review of Patent Trademark Office materials, and from a review of the websites of both firms.

To begin, the following description is provided from the U.S. Patent Trademark Office for the trademark VANTAGE DELUXE WORLD TRAVEL: "Arranging pre-packaged travel tours and related excursions; arranging, organizing and coordinating travel, travel tours, excursions, boat trips, and cruises; travel booking services; travel ticket reservation services; making reservations and bookings for transportation;

providing information, news and commentary in the field of travel; providing an on-line computer database in the field of travel information services; travel information services, namely, providing to end users via e-mail a summary of travel information about a particular travel destination or program that is based upon and tailored to specific information provided by the end user; arranging and coordinating travel arrangements for individuals and groups at a discounted rate for those who make prepayment in full for their travel arrangements.” A similar description is also offered in the Defendant’s document entitled “Opposer’s Responses to Applicant’s First Set of Interrogatories” (submitted March 16, 2009, to the Trademark Trial and Appeal Board of the United States Patent and Trademark Office).

The Plaintiff’s description of its goods and services from the Plaintiff’s Patent and Trademark application materials is as follows: “Travel services, namely, making reservations and bookings for transportation, providing cruise ship services and rental cars, providing travel information, and arranging travel tours”. Likewise, Vantage, Inc., describes the nature of their business in their document “Applicant’s Responses to Opposer’s First Set of Interrogatories” as follows: “... it is in the business of making reservations and bookings for transportation, providing cruise ship services and rental cars, providing travel information, and arranging travel tours, on a world-wide basis”. Overall then, even though the Defendant frequently offers essentially prepackaged travel services and the Plaintiff provides more specialized and designed travel services, the similarity of the goods and services is apparent. As such, and while there are some inherent differences in the nature and quality of the travel services offered by the Plaintiff and the Defendant, the similarity in the goods of services as stated in the descriptions provided by both the Plaintiff and the Defendant undoubtedly increases the likelihood that typical travel consumers and even travel agents would be confused.

**4. The Similarities of the Facilities That the Two Parties Use in their Businesses.**

Overall, the marketing strategy and promotional efforts of Vantage, Inc., and Vantage Travel Service, Inc., as explained further in the following section regarding the fifth factor (i.e., “The Similarity of the Advertising the Two parties Use”), are very similar for both parties in this litigation. In particular, the Internet sites for both the Plaintiff and the Defendant, which both emphasize and display the mark VANTAGE as a dominant feature of their websites, are available for consideration and use by both end consumers and travel agents. In addition, both the Defendant and the Plaintiff use their company websites to attract and retain customers. Again, this Internet capability has enabled both firms to interact directly with end-users. As such, a percentage of the business for both the Plaintiff and the Defendant is direct with consumers.

**5. The Similarity of the Advertising the Two Parties Use.** Based upon the evidence made available and reviewed, the advertising and marketing efforts of both the Plaintiff and the Defendant are similar and this similarity in advertising and marketing would indeed increase the likelihood of confusion. As indicated in the Defendant’s own legal documents (i.e., “Opposer’s Responses to Applicant’s First Set of Interrogatories”), the Defendant uses both direct mail and email solicitations to



attract customers. In addition, visits to potential customers and participation in trade shows, as well as the Defendant's website, are employed by Vantage Travel Service, Inc., to market their travel services. Similarly, and as detailed in the deposition testimony of Mr. Vicario, the Plaintiff, Vantage, Inc. uses direct mail, participation in trade shows, articles in trade magazines, and their own website on the Internet to advertise their travel services. Again, the intended markets for both the Plaintiff and the Defendant are similar and similar marketing and advertising efforts are employed by both Vantage, Inc. and Vantage Travel Service, Inc. As such, both parties' travel services are made available and promoted to both individual end consumers and travel agencies using similar advertising and marketing methods.

6. The Defendant's Intent. My review of the documents provided to this point, including the discovery responses of the Defendant, indicate no intent to confuse individual consumers or travel agents.

7. Actual Confusion. Evidence exists that actual confusion between the Plaintiff and the Defendant has already occurred among end-users and travel agents. Given the close similarity of the marks and the close similarity of the goods and services, it is not surprising that actual confusion has already occurred. First, evidence of actual confusion is provided in the series of emails and correspondence, as described in the deposition testimony of Mr. Vicario and as included in Appendix 8 of Renato Vicario's deposition (dated February 15, 2010). Mr. Vicario also indicated in his own deposition testimony, as well as in our interview, that other instances of actual confusion, including other misdirected telephone calls and discarded correspondence, have occurred. In addition, this actual confusion has occurred among both individual consumers and travel agents. Second, the Defendant's own documents (i.e., answers to interrogatories Nos. 20, 28, and 31 from "Opposer's Responses to Applicant's First Set of Interrogatories") acknowledge multiple instances of actual confusion in which the Plaintiff was assumed to be the Defendant and vice versa.

## IX. CONCLUSION

The Plaintiff, Vantage, Inc., has established a strong mark in the travel industry through extensive and lengthy use of the mark VANTAGE in its promotion of quality travel services. Importantly, the goods and services provided by the Plaintiff, Vantage, Inc., and the Defendant, Vantage Travel Service, Inc., are obviously similar and this similarity in goods and services, particularly given the similarity of the marks, the similarity in the marketing and advertising efforts of the two parties, the overlap in the intended audiences for their marketing and advertising, as well as the common usage of the mark VANTAGE, increases considerably the likelihood of confusion among both individual traveling consumers and travel agents within the industry. As summarized in the report, analysis using the seven factors identified by the United States Court of Appeals, Fourth Circuit, provides strong support for a likelihood of confusion. Of note, evidence exists that actual confusion has already occurred. As such, individual consumers and travel agents may well be confused regarding the source of travel services provided by Vantage, Inc. and Vantage Travel Service, Inc. or confused that Vantage, Inc. and Vantage Travel Service, Inc. are affiliated or associated.

Importantly, and from a business and marketing perspective, the ultimate effects of this confusion are damaging to Vantage, Inc. for at least two reasons. First, Vantage, Inc., which has historically paid commissions to travel agents for work provided, has been harmed from loss of business from mistaken beliefs by travel agents regarding the source of travel services as provided by Vantage, Inc. and Vantage Travel Service, Inc., as described in the deposition testimony. That is, to the extent that agents are confused regarding the source of the VANTAGE mark, i.e., that Vantage, Inc. is Vantage Travel Service, Inc. and does not pay commissions, then Vantage, Inc. is negatively impacted from potential lost revenues. Second, Vantage, Inc. has no control over the quality and travel experiences offered end-users by Vantage Travel Service, Inc. Therefore, the perception of Vantage, Inc. is further damaged from bad travel experiences from any unsatisfactory travel experiences provided by the Defendant, Vantage Travel Service, Inc., again since Vantage, Inc. has no control over the quality of the services provided by Vantage Travel Service, Inc.

**X. CONCLUDING REMARKS**

Again, I reserve the right to amend or supplement my opinions to the extent any additional information may be forthcoming.

4/15/10

April 15, 2010

William O. Bearden

William O. Bearden, Ph.D.



## APPENDIX A

### PUBLICATIONS IN PRECEDING TEN YEARS

#### Books

*Handbook of Marketing Scales: Multi-Item Measures for Marketing and Consumer Behavior Research*, 3<sup>rd</sup> Edition, Sage Publications and the Association for Consumer Research, 2011 (forthcoming in-progress revision with Richard E. Netemeyer and Kelly L. Haws).

*Marketing Principles and Perspectives*, 5th Edition, Burr Ridge, IL: Irwin/McGraw-Hill, 2006 (with Thomas N. Ingram and Raymond W. LaForge).

*Scaling Procedures for Self-Report Measures in the Social Sciences: Issues and Applications* (2003), Newbury Park, CA: Sage Publications (with Richard E. Netemeyer and Subhash Sharma).

#### Journal Articles

Kelly Tepper, William O. Bearden, and Gary L. Hunter (2001), "Consumers' Need for Uniqueness: Scale Development and Validation," *Journal of Consumer Research*, 28 (June), 50-66.

William O. Bearden, David M. Hardesty, and Randall L. Rose (2001), "Consumer Self-Confidence: Refinements in Conceptualization and Measurement," *Journal of Consumer Research*, 28 (June), 121-134.

Randall L. Rose, William O. Bearden, and Kenneth C. Manning (2001), "Attributions and Conformity in Illicit Consumption: The Mediating the Role of Group Attractiveness", *Journal of Public Policy and Marketing*, 20 (Spring), 84-92.

Kelly Hewett and William O. Bearden (2001), "Dependence, Trust, and Relational Behavior on the Part of Subsidiary Foreign Operations: Implications for Managing Global Marketing Programs", *Journal of Marketing*, 65 (4), 51-66.

Valerie Taylor and William O. Bearden (2002), "The Effects of Price on Brand Extensions Evaluations: The Moderating Role of Extension Similarity," *Journal of the Academy of Marketing Science*, 30 (Spring), 131-140.

David M. Hardesty, Jay P. Carlson, and William O. Bearden (2002), "Brand Familiarity and Invoice Price Effects on Consumer Evaluations: The Moderating Role of Skepticism toward Advertising," *Journal of Advertising*, 31 (Summer), 1-15.

William O. Bearden, Jay P. Carlson, and David M. Hardesty (2003), "Using Invoice Information to Frame Advertised Prices," *Journal of Business Research*, 56 (May), 355-366.

David M. Hardesty and William O. Bearden (2003), "Consumer Evaluations of Different Promotion Types and Price Presentations: The Moderating Role of Promotional Benefit Level," *Journal of Retailing*, 79 (1), 17-25.

Valerie Taylor and William O. Bearden (2003), "Ad Spending on Brand Extensions: Does Similarity Matter?", *Journal of Brand Management*, 2 (September), 63-74.

David M. Hardesty and William O. Bearden (2004), "The Use of Expert Judges in Scale Development: Implications for Improving Face Validity of Measures of Unobservable Constructs," *Journal of Business Research*, 57 (2), 98-107.

Ahmet Kirca, Satish Jayachandran, and William O. Bearden (2005), "Market Orientation: A Meta-Analytic Review and Assessment of Its Antecedents and Impact on Performance," *Journal of Marketing*, 69 (April), 24-41.

William O. Bearden, R. Bruce Money, and Jennifer L. Nevins (2006), "Multidimensional Versus Unidimensional Measures in Assessing National Culture Values: The Hofstede VSM94 Example," *Journal of Business Research*, 59 (February), 195-203.

Feldman, Daniel C., William O. Bearden, and David M. Hardesty (2006), "Varying the Content of Job Advertisements: The Effects of Message Specificity," *Journal of Advertising*, 35 (Spring), 123-142.

Haws, Kelly L. and William O. Bearden (2006), "Dynamic Pricing and Consumer Fairness Perceptions", *Journal of Consumer Research*, forthcoming.

William O. Bearden, R. Bruce Money, and Jennifer L. Nevins (2006), "A Measure of Long-Term Orientation: Development and Validation," *Journal of the Academy of Marketing Science*, 34 (4), 456-467.

David M. Hardesty, William O. Bearden, and Jay P. Carlson (2007), "Persuasion, Knowledge and Consumer Reactions to Pricing Tactics," *Journal of Retailing*, 83 (2), 199-210.

Jennifer L. Nevins, William O. Bearden, and R. Bruce Money (2007), "Ethical Values and Long-Term Orientation," *Journal of Business Ethics*, 261-274.

Jay P. Carlson, William O. Bearden, and David M. Hardesty (2007), "Influences on What Consumers Know and What They Think They Know Regarding Marketer Pricing Tactics," *Psychology and Marketing*, 24 (2), 117-142.

William O. Bearden and Ronald P. Wilder (2007), "Household Lifecycle Effects on Consumer Wealth and Well-Being for the Recently Retired," *Journal of Macromarketing*, 27 (4), 389-403.

Manning, Kenneth C., William O. Bearden, and Kelly Tian (2008), "Development and Validation of the Agents' Socially Desirable Responding (ASDR) Scale," *Marketing Letters*, 20 (1), 31-44.

Carlson, Jay P., Leslie H. Vincent, David M. Hardesty, and William O. Bearden (2009), "Objective and Subjective Knowledge Relationships: A Quantitative Analysis of Consumer Research Findings," *Journal of Consumer Research*, 35 (February), 864-876.

Haws, Kelly L., Utpal Dholakia, and William O. Bearden (2010), "An Assessment of Chronic Regulatory Focus Operationalizations," *Journal of Marketing Research*, forthcoming.

Colton, Deborah, Martin S. Roth, and William O. Bearden (2010), "Drivers of International E-tail Performance: The Complexities of Orientations and Resources," *Journal of International Marketing*, 18 (1), 1-22.

#### Papers and Abstracts in Refereed National Proceedings

David M. Hardesty, Jay P. Carlson, and William O. Bearden, "Brand Familiarity and Invoice Price Effects on Consumer Evaluations: The Moderating Role of Skepticism Toward Advertising," in G. W. Marshall and S. J. Grove, eds., *Enhancing Knowledge Development in Marketing*, Vol. 12, Chicago, IL: American Marketing Association, 2001 (abstract).

Ahmet H. Kirca and William O. Bearden (2002), "Implementation of Market Orientation in the Subsidiaries of Multinational Corporations: An Institutional Perspective," in J. A. Lingren and W. J. Kehoe, eds., *Enhancing Knowledge Development in Marketing*, Vol. 13, Chicago, IL: American Marketing Association, 2002 (abstract).

Jennifer L. Nevins and William O. Bearden (2002), "Coming Off-Patent: Marketing Responses Strategies to Patent Expiration," in J. A. Lingren and W. J. Kehoe, eds., *Enhancing Knowledge Development in Marketing*, Vol. 13, Chicago, IL: American Marketing Association, 2002 (abstract).

William O. Bearden, Bruce R. Money, and Jennifer I. Nevins (2003), "Development and Validation of a Measure of Long-Term Orientation," in R. B. Money and R. L. Rose, eds., *Enhancing Knowledge Development in Marketing*, Vol. 14, Chicago, IL: American Marketing Association, 2003 (abstract).

Jay P. Carlson, William O. Bearden, and David M. Hardesty (2005), "Influences on What Consumers Know and What They Think They Know Regarding Persuasive Aspects of

Pricing-Related Selling Tactics”, in Kathleen Seiders and Glenn Voss , eds., *Marketing Theory and Applications*, Vol. 15, Chicago, IL: American Marketing Association (abstract).

William O. Bearden, R. Bruce Money, and Jennifer L. Nevins (2005), “Validation and Application of a Bi-Dimensional Long Term Orientation Scale”, in Kathleen Seiders and Glenn Voss , eds., *Marketing Theory and Applications*, Vol. 15, Chicago, IL: American Marketing Association (abstract).

Kelly Haws and William O. Bearden (2005), “Dynamic Pricing and Consumer Perceptions of (Un)Fairness,” in Beth A. Walker and Mark B. Houston , eds., *Enhancing Knowledge Development in Marketing*, Vol. 15, Chicago, IL: American Marketing Association, 2005 (abstract).

Joel Urbany, William O. Bearden, and Raymond Kordupleski (2006), “Transparency and Customer Value,” in J. R. McColl-Kennedy and Roland Rust, eds., 15<sup>th</sup> Annual AMA Frontiers in Service, Chicago, IL: American Marketing Association (abstract).

Kelly Haws and William O. Bearden (2006), “Consumer Spending Self-Control: Conceptual and Measurement Refinements,” in Dhruv Grewal, Michael Levy, and R. Krishnan, eds., *Enhancing Knowledge Development in Marketing*, Vol. 17, Chicago, IL: American Marketing Association, 2006 (abstract).

William O. Bearden and Kelly L. Haws (2007), “Chronic Goal Orientation: Extending Prior Consumer Research and Regulatory Focus Theory,” in Dawn Lerman and David Luna, eds., *SCP Proceedings*, Society for Consumer Psychology Conference, Las Vegas, Nevada, 2007 (abstract).

Komarova, Yuliya, Kelly L. Haws, and William O. Bearden (2007), “Incidental Mood and Consumer Evaluations of Price,” in Jakki J. Mohr and Robert J. Fisher, eds., *Enhancing Knowledge Development in Marketing*, Vol. 18, Chicago, IL: American Marketing Association, 2007 (abstract).

Haws, Kelly L., Rebecca Naylor, William O. Bearden, and Robin Coulter (2007), “To Have and to Hold? Implications of Disposition Tendencies for Consumer Research.” Presented at the 2007 meetings of the Association for Consumer Research, October 25-28, Memphis, Tenn.

Deborah Colton, Martin S. Roth, and William O. Bearden (2008), “Sources of Global E-tail Advantage: Relationships among Orientations, Resources, and Performance”, in T. J. Brown and Z. G. Canli, eds., *Marketing Theory and Applications*, Vol. 19, Chicago, IL: American Marketing Association (abstract).

Joel E. Urbany, William O. Bearden, and Raymond Kordupleski (2008), “Clarity and Customer Value”, in T. J. Brown and Z. G. Canli, eds., *Marketing Theory and Applications*, Vol. 19, Chicago, IL: American Marketing Association (abstract).

Kelly L. Haws and William O. Bearden (2008), "Consumer Spending Self-Control and Consumption Behavior," in Maria Cronley and DJ Nayakankuppam, eds., *SCP Proceedings*, Society for Consumer Psychology Conference, New Orleans, LA, 2008 (abstract).

Komarova, Yuliya A., William O. Bearden, and Subhash Sharma (2008), "Evaluating Mood Measures in Consumer Research," in J. R. Brown and R. P. Dant, eds., *Marketing Theory and Applications*, Vol. 20, Chicago, IL: American Marketing Association (abstract).

Soster, Robin L. and William O. Bearden (2009), "Consumer Entitlement: Conceptualization and Research Propositions," in Michael Kamins and Ingrid M. Martin, eds., *Enhancing Knowledge Development in Marketing*, Vol. 20, Chicago, IL: American Marketing Association (abstract).

Komarova, Yuliya, William Bearden, and Subhash Sharma (2009), "Response Bias Effects and Relationships with Consumer Trait Measures and Persuasion Outcome Variables," in Michael Kamins and Ingrid M. Martin, eds., *Enhancing Knowledge Development in Marketing*, Vol. 20, Chicago, IL: American Marketing Association (abstract).

Soster, Robin L., Ashwani Monga, and William O. Bearden (2010), "Tracking Costs of Time and Money," *Advances in Consumer Research*, eds. Margaret C. Campbell, Jeff Inman, and Rik Pieters, 37, forthcoming.

Kirca, Ahmet H., Kendall Roth, and William O. Bearden (2010), "Developing a Market Orientation in a Global Context: The Role of Host Country Institutional Environment and Intra-Organizational Context", Academy of International Business 2010 Rio de Janeiro Conference, forthcoming.

**APPENDIX B**

**LITIGATION INVOLVEMENT: APRIL 2006 - APRIL 2010**

The following is a listing of the cases in which I have testified as an expert at trial and/or by deposition during the last four years:

United States District Court, District of South Carolina, Greenville Division, Super Duper, Inc. vs. Mattel Inc. Case No. 6:05-cv-1700-HFF. Deposition taken May 10, 2007. Trial testimony May 2008.

U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, Country Mutual Insurance Co. et al. versus Companion Property and Casualty Insurance Company. Deposition testimony March 2009.

United States District Court, Southern District of Ohio, Eastern Division, North American Rescue Products, Inc. v. Bound Tree Medical, LLC. Case No. 2-08-cv-0101. Deposition testimony May 2009.

State of South Carolina, County of Richland, Court of Common Pleas. Case No.: 2008-CP-40-6057. Daniel Hughes and Seal Jet of the Carolinas, Inc. vs. Nexsen Pruet, LLC, f/k/a Nexsen Pruet Adams Kleemeier, PLLC, Michael A. Mann and William Young "Corky" Klett, III. Deposition August 2009.

U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, Country Mutual Insurance Co. et al. versus Companion Property and Casualty Insurance Company. Opposition No. 91184015. Deposition testimony December 2009.

**APPENDIX C**  
**DOCUMENTS REVIEWED**

Defendant's Responses to Plaintiff's First Set of Interrogatories

Plaintiff's Responses to Defendant's First Set of Interrogatories

Applicant's Responses to Opposer's First Set of Interrogatories

Opposer's Responses to Applicant's First Set of Interrogatories

Deposition of Renato Vicario

Production documents of Vantage Travel Service, Inc. (VTSI0001 - VTSI0639)

Production documents of Vantage, Inc. (VNTG1 – VNTG787)

Affidavit of Susan Schafer

Preliminary report of Anne M. Brumbaugh

Synergistic International, LLC, v. Jody Fine Korman

Pizzeria Uno Corporation v. James W. Temple, Jr.



## **APPENDIX D**

### **RESUME OF WILLIAM O. BEARDEN**

#### **OFFICE**

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803-932-0144  
E-mail: [wbearden1@sc.rr.com](mailto:wbearden1@sc.rr.com)

#### **ACADEMIC BACKGROUND**

12-67	B.A., Industrial Management Clemson University
6-71	M.B.A. University of Georgia
8-75	Ph.D., Business Administration University of South Carolina

#### **A. ACADEMIC EMPLOYMENT**

Assistant Professor of Marketing, Western Kentucky University, August 1975 to August 1976.

Assistant Professor of Marketing, The University of Alabama, August 1976 to August 1978.

Associate Professor of Marketing, University of South Carolina, August 1978 to August 1983.

Professor of Marketing, University of South Carolina, August 1983 to August 1988.

Professor of Marketing and Distinguished Foundation Fellow, University of South Carolina, August 1988 to August 1997.

Bank of America Chaired Professor of Marketing, August 1997 to January 2010.

Southeastern Conference Faculty Athletics Representative, April 2006 to present.

Bank of America Chaired Professor of Marketing, Distinguished Professor Emeritus,  
February 2010 to present.

### **PREVIOUS EMPLOYMENT**

U.S. Army; 1968 to 1969, Ft. Ord, California; 1969 - 1970, Republic of Vietnam.

Deering Milliken, Incorporated, Production Management, June 1971 to August 1972.

### **ACADEMIC ORGANIZATIONS**

American Marketing Association

Association for Consumer Research

Society for Marketing Advances

Society for Consumer Psychology

### **HONORS**

American Marketing Association Doctoral Consortium Representative, 1974.

Omicron Delta Epsilon, 1974.

Beta Gamma Sigma, 1975.

Outstanding Marketing Instructor, 1980-81.

Outstanding MBA Teacher Award, 1982-83.

College of Business Administration Alfred G. Smith Excellence in Teaching Award, 1984-85.

University AMOCO Outstanding Teaching Award, 1984-85.

Golden Key National Honorary Faculty Initiate, 1987.

Southern Marketing Association Distinguished Fellow, 1988.

Beta Gamma Sigma Honorary Faculty Initiate, 1988.

Distinguished Foundation Fellow, USC Business Partnership Foundation, 1990-1998.

Gamecock Faculty Athletic Recognition, 1993-94, 1998-99, 1999-00, 2000-01.

Bank of America Chaired Professor of Marketing, 1997-Present.

Moore School of Business Alfred G. Smith Excellence in Teaching Award, 1998-1999.

Associate Editor, *Journal of Consumer Research*, July 1999-July 2002.

Outstanding Paper Award, AMA Summer Educators' Conference, Pricing and Promotion Track, 1999 (with Jay Carlson and David Hardesty).

Distinguished Scholar Speaker Series, Southern Marketing Association, 1998 with Rick Netemeyer (Louisiana State University), 1999 with Kelly Tepper (University of Kentucky).

University Mungo Award for Excellence in Teaching, 1999-2000.

Society for Marketing Advances, Distinguished Teaching Award, 2001, Finalist.

Omicron Delta Kappa (ODK), National Leadership Honorary Society, USC Faculty Member Inductee, 2000-01.

Outstanding Reviewer, *Journal of Marketing*, 1999-2002.

Outstanding Paper Award, AMA Summer Educators' Conference, Global Track, 2003 (with Bruce Money and Jennifer Nevins).

2003 Lifetime Achievement Award in Behavioral Pricing.

Delta Sigma Pi Faculty Member of the Year, 2003.

2004 University of South Carolina Educational Foundation Research Award for Professional Schools.

2005 University of South Carolina Trustee Professorship Award.

Sherwin-Williams Distinguished Teaching Award, Society for Marketing Advances, 2005 Finalist.

Outstanding Reviewer, *Journal of Consumer Research*, 2002-2003, 2004-2005.

Mortar Board Teaching Award, 1995-96, 1997-98, 1999-00, 2005-2006.

Outstanding Reviewer Award, *Journal of Advertising*, 2005.

Mortar Board, USC Honorary Faculty Member Inductee, 2006; Speaker, 2006 Mortar Board Induction Ceremony.

Outstanding Reviewer Award, *Journal of Retailing*, 2005-2006.

University Faculty Athletic Representative, May 2006-present.

Distinguished Service Award, *Journal of Consumer Research*, 2006.

Overall Best Conference Paper Award, Co-Winner, 2008 Summer Educators' Conference, American Marketing Association. (Also best paper in Marketing Research Track.)

2009 Davidson Honorable Mention Award for the best article in the *Journal of Retailing* 2007 (Volume 83).

Kelly Hewett and William O. Bearden (2001), "Dependence, Trust, and Relational Behavior on the Part of Subsidiary Foreign Operations: Implications for Managing Global Marketing Programs", *Journal of Marketing*, 65 (4), 51-66 article selected for the American Marketing Association Global Marketing SIG 2009 Excellence in Global Marketing Research Award.

Most-Cited Articles by the Journal of Marketing website (2nd most cited article in the *Journal of Marketing* between 2005-2007). Also, summary findings of this study appeared in a publication by Dominique M Hanssens, Marketing Science Institute (MSI) Relevant Knowledge Series-Empirical Generalizations in Marketing.

#### **PRIMARY TEACHING INTERESTS**

Marketing Research

Principles of Marketing

Consumer Behavior

Marketing Management

#### **PROFESSIONAL SERVICE ACTIVITIES**

Consumer Behavior, Track Chairman, Southern Marketing Association Annual Conference, New Orleans, 1979.

Marketing Research Track Chairman, Southern Marketing Association Annual Conference, Atlanta, 1981.

Editorial Review Board, *Journal of Retailing*, 1980-Present.

Marketing Education Track Chairman, American Marketing Association, Chicago, Illinois, 1982.

Treasurer, Southern Marketing Association, 1981-82.

Co-Editor (with J. Barry Mason) of a special issue of *Journal of Retailing*, entitled "Consumer Satisfaction/Dissatisfaction: Theory Implications for Retailing." Vol. 57 (Fall 1981).

Chairman of Division 23, American Psychological Association, Education and Training Committee, 1981-82.

Secretary, Southern Marketing Association, 1982-83.

Chairperson of Dissertation Competition, Southern Marketing Association, 1983.

Secretary-Treasurer, Beta Gamma Sigma, University of South Carolina Chapter, 1983-84.

President, Southern Marketing Association, 1984-85.

Editorial Review Board, *Journal of Business Research*, 1983-97.

Associate Editor, Buyer Behavior, *Journal of Business Research*, 1984-87.

President, Beta Gamma Sigma, University of South Carolina Chapter, 1984-85.

American Marketing Association Education Council, 1986-88, 1990-92.

American Marketing Association, Faculty Consortium Speaker, 1987.

Advisory Board, *Journal of the Academy of Marketing Science*, 1988-1995.

Co-Editor, American Marketing Association Fall Educator Conference Proceedings, *Enhancing Knowledge Development in Marketing*, Vol. 1, Chicago, IL: American Marketing Association, 1990.

Vice President of American Marketing Association, Education Division, 1991-92.

American Marketing Association Board of Directors, 1990-92.

Editorial Review Board, *Marketing Education Review*, 1991-2009.

Association for Consumer Research Publications Committee, 1992-95.

Southern Marketing Association Doctoral Consortium Speaker, 1991, 1992, 1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2004.

Program Committee, Association for Consumer Research Annual Conference, 1992.

American Marketing Association Divisional Performance Task Force, 1993.

Co-chair (with T.A. Shimp), American Marketing Association Annual Dissertation Competition, 1994.

Co-editor (with Michael J. Etzel) of Special Issue in the *Journal of Business Research* entitled "Linking Consumer Behavior Theory To Public Policy, Social Policy, and the Environment," 30, (May 1994).

American Marketing Association Nominating Committee, 1994.

Co-editor (with Stan Madden) of Special Issue in the *Journal of Business Research* entitled "Integrated Marketing Communications: Reconceptualizing the Role of Advertising," Vol. 37 (3), November 1996.

Co-editor (with Joe Urbany) of Special Issue in the *Journal of Retailing*, entitled "Research Perspectives on Retailer Pricing Decisions," Vol. 74 (Fall) 1998.

Vice President Elect for Marketing, American Marketing Association, Education Division, 1999-2000.

Vice President for Marketing, American Marketing Association, Education Division, 2000-2001.

Associate Editor, *Journal of Consumer Research*, July 1999-June 2002.

Program Committee, Association for Consumer Research Annual Conference, 2000.

Editorial Review Board, *Journal of Consumer Psychology*, 2002-Present.

Association for Consumer Research Doctoral Symposium, 2001, 2002.

Co-chair, American Marketing Association Annual Dissertation Competition, 2004.

Advisory Board, *Journal of Product and Brand Management* (Pricing section), 2003-2004.

Editorial Review Board, *Journal of Advertising*, 2006-2009.

Associate Editor, *Journal of Retailing*, August 2006-present.

Editorial Review Board, *Journal of Marketing*, 1997-2005, 2006-present.

Editorial Review Board, *Marketing Letters*, 2007-present.



Editorial Review Board, *Journal of Consumer Research*, 1992-1998, 2002-present.

Editorial Review Board, *Journal of the Academy of Marketing Science*, 1991-2000, 2009-present.

Co-editor (with David Hardesty) of Special Issue in the *Journal of Retailing*, entitled "Consumer Behavior and Retailing," in-progress for mid-2009 publication.

Editorial Review Board, *Journal of Marketing Research*, 1983-2002, 2008-present.

American Marketing Association, Doctoral Consortium Speaker, 1986, 1991, 2001, 2002, 2003, 2009.

Association for Consumer Research, Program Committee, 2010.

#### **UNIVERSITY AND MOORE SCHOOL OF BUSINESS SERVICE**

Graduate Policy and Curricula Committee, College of Business Administration; 1979-80, 1980-81, 1981-82, 1982-83, 1987-88, 1990-1992.

University Graduate Council, 1980-81, 1981-82, 1982-83.

Academic Policy and Advisory Committee, College of Business Administration; Member 1981-82; Chair, 1983-84.

Ph.D. in Business Administration Study Committee, College of Business Administration; 1981-82.

Student Faculty Commission, College of Business Administration; 1979-80.

Committee to Promote Teaching Effectiveness, College of Business Administration; Member 1981-82; Chair, 1982-83; Member 1983-84.

Graduate Appeals Committee, College of Business Administration; 1983-84.

Strategic Planning Committee, College of Business Administration; 1983-85.

Graduate Council Subcommittee for Humanities and Behavioral Sciences on Programs and Curricula, University Committee; 1983-85.

University Promotion and Tenure Committee; 1985-86, 1986-87, 1987-88.

University Promotion and Tenure Committee Panel Chair; 1987-1988.

University Faculty Senate; 1988-89, 1989-90, 1990-91.

USC Graduate School Advisory Committee, 1989-90.

USC Faculty Steering Committee for Southern Accreditation Review; 1989-1990.

Chair, University AMOCO Selection Committee, 1990-91, 1991-92, 1992-93, 2000-01;  
Member, 1985-86, 1986-87, 1987-88, 1988-89, 1989-90, 1993-94, 1994-95, 1995-96,  
1996-97, 1997-98, 1998-99, 1999-20, 2001-02, 2002-03, 2003-2004.

University Task Force on Teaching and Faculty Development; 1990-91, 1991-92, 1992-93, 1993-94.

Co-director, University of South Carolina Lilly Foundation Faculty Mentoring Program;  
1992-93, 1993-94, 1994-95.

Chair, College of Business Administration Undergraduate Program Task Force; 1992-1993.

University Committee on Faculty Instruction and Development; 1995-96, 1996-97, 1997-98.

University Promotion and Tenure Committee; 1994-95, 1995-96, 1996-97.

University Promotion and Tenure Committee Panel Chair; 1995-96.

Ph.D. Program Coordinator, Department of Marketing; 1995-96, 1996-97, 1997-98,  
1998-99, 1999-2000, 2000-2001, 2001-2002, 2002-2003.

University Grievance Committee; 1998-99, 1999-2000, 2000-2001.

McNair and Carolina Scholars Mentoring Program; 1998-99, 1999-2000, 2000-2001,  
2004-2005, 2007-2008.

University Graduate Teaching Assistant Awards Committee; 2000-2001, 2001-2002,  
2002-2003.

Moore School of Business Dean's Search Committee; 1998-99, 1999-2000.

MSB Doctoral Program Faculty Executive Committee; Chair, 2000-2001; Member 1995-96, 1996-97, 1997-98, 1998-99, 1999-2000, 2001-2002, 2002-2003.

University Faculty Advisory Committee; Member 2001-2002, 2002-2003; Chair 2003-2004.

Chair, College of Business Administration, Outstanding Alumni Selection Committee; 1995-96;  
Member 1996-97, 1997-98, 1998-99, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004,

2004-2005.

Academic Affairs and Faculty Liaison Committee of the USC Board of Trustees, Member, 2003-2004.

Faculty Senate Steering Committee, 2003-2004, 2004-2005, 2005-2006.

University Budget Committee, 2003-2004; 2004-2005.

University Athletics Advisory Committee, Chair, 2004-2005, 2005-2006; ex officio, 2006-2007, 2007-2008.

University Review Committee on Named and Distinguished Professorships; 1997-98, 1998-1999, 1999-2000, 2004-2005, 2005-2006, 2006-2007.

University Tenure Review Board, 2006-2007, 2007-2008.

USC Educational Foundation Research Award for Professional Schools, Selection Committee; 2005-2006, 2006-2007; chairperson, 2007-2008.

Moore School of Business, Undergraduate Task Force Committee for Strategic Planning, 2007.

Moore School of Business Promotion and Tenure Advisory Committee, 2004-2005, 2005-2006, 2006-2007; 2007-2008.

MSB Undergraduate Program Faculty Executive Committee; Chair, 2001-2002; Member, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007; Chair, 2007-2008.

University Faculty Athletic Representative, May 2006-present.

University Ad Hoc Faculty Awards Evaluation Committee, 2007-2008.

Department Promotion and Tenure Chair, 2007-2008, 2008-2009.

University SECAC Academic Leadership Development Program, USC Selection Committee Chair, 2008.

SEC Executive Committee; Member, May 2008-June 2010.

University Focus Carolina Recognition and Visibility Goals Committee, 2009.

Chaired Professor Review Committee, Moore School of Business, 2009-2010.

University First Year Reading Experience, Discussion Leader, 2009.

University Selection Committee, SEC Faculty Athletic Representative, 2010.

## **BOOKS**

*Handbook of Marketing Scales: Multi-Item Measures for Marketing and Consumer Behavior Research*, 2<sup>nd</sup> Edition, Sage Publications and the Association for Consumer Research, 1999 (with Richard E. Netemeyer).

*Marketing Principles and Perspectives*, 5th Edition, Burr Ridge, IL: Irwin/McGraw-Hill, 2006 (with Thomas N. Ingram and Raymond W. LaForge).

*Scaling Procedures for Self-Report Measures in the Social Sciences: Issues and Applications* (2003), Newbury Park, CA: Sage Publications (with Richard E. Netemeyer and Subhash Sharma).

## **JOURNAL ARTICLES**

William O. Bearden and Arch G. Woodside, "Interactions of Consumption Situations and Consumer Brand Attitudes," *Journal of Applied Psychology*, 16 (December 1976), 764-769.

William O. Bearden, "Inventory Control and Forecasting for Finished Goods with Seasonal Demand Patterns," *Industrial Management*, 19 (Jan.-Feb. 1977), 7-10.

William O. Bearden and Arch G. Woodside, "Testing Variations of Fishbein's Behavioral Intention Model Within a Consumer Behavior Context," *Journal of Applied Psychology*, 62 (1977), 352-357.

William O. Bearden, "Determinant Attributes of Store Patronage: Downtown versus Outlying Shopping Center," *Journal of Retailing*, 43 (Summer 1977), 15-22.

William O. Bearden and Arch G. Woodside, "Consumption Occasion Influence on Consumer Brand Choice," *Decision Sciences*, 9 (April 1978), 273-284.

William O. Bearden, Jesse E. Teel, and Richard M. Durand, "Media Usage, Psychographic, and Demographic Dimensions of Retail Shoppers," *Journal of Retailing*, 54 (Spring 1978), 65-74.

Jesse E. Teel, William O. Bearden, and Richard M. Durand, "Psychographic Characteristics of Radio and Television Audiences," *Journal of Advertising Research*, 19 (April 1979), 53-58.

Sandra J. Teel, Jesse E. Teel, and William O. Bearden, "Lessons Learned from the Broadcast Cigarette Advertising Ban," *Journal of Marketing*, 43 (January 1979), 45-50.

William O. Bearden and J. Barry Mason, "Elderly Use of In-Store Information Sources in Supermarket Purchase Decisions and Dimensions of Product Satisfaction/Dissatisfaction," *Journal of Retailing*, 55 (Spring 1979), 79-91.

William O. Bearden and J. Barry Mason, "Consumer Perceived Risk and Attitudes Toward Generically Prescribed Drugs," *Journal of Applied Psychology*, 63 (December 1978), 741-746.

J. Barry Mason and William O. Bearden, "Sources and Levels of Satisfaction/Dissatisfaction Affecting Consumer Behavior of the Elderly," *Journal of Consumer Affairs*, 13 (Winter 1979), 359-369.

Brady, Donald L. and William O. Bearden (1979), "The Effect of Managerial Attitudes on Alternative Exporting Methods," *Journal of International Business Studies*, 10 (3), 79-84.

William O. Bearden, Jesse E. Teel, and Robert R. Wright, "Family Income Effects on Measurement of Children's Attitudes Toward Television Commercials," *Journal of Consumer Research*, 6 (December 1979), 308-311.

J. Barry Mason and William O. Bearden, "Generic Drugs: Consumer Pharmacist, and Physician Perceptions of the Issues Involved," *Journal of Consumer Affairs*, 14 (Summer 1980), 193-206.

William O. Bearden and J. Barry Mason, "Physician and Pharmacist Support of Generic Drugs," *Journal of Consumer Research*, 7 (September 1980), 121-130.

William O. Bearden and Jesse E. Teel, "An Investigation of Personal Influences On Consumer Complaining," *Journal of Retailing*, 56 (Fall 1980), 3-20.

William O. Bearden, Robert S. Headen, Jay E. Klompmaker, and Jesse E. Teel, "Attentive Audience Delivery of TV Advertising Schedules," *Journal of Marketing Research*, 18 (May 1981), 187-191.

William O. Bearden and Melissa Crockett, "Self-Monitoring, Norms, and Attitudes As Influences On Consumer Complaining," *Journal of Business Research*, 9 (September 1981), 255-266.

Jesse E. Teel and William O. Bearden, "A Media Planning Algorithm for Retail Advertising," *Journal of Retailing*, 56 (Winter 1980), 23-39.

William O. Bearden and Terence A. Shimp, "The Use of Extrinsic Cues to Facilitate Product Adoption," *Journal of Marketing Research*, 19 (May 1982), 229-239.

Terence A. Shimp and William O. Bearden, "Warranty and Other Extrinsic Cue Effects on Consumers' Risk Perceptions," *Journal of Consumer Research*, 9 (June 1982), 38-46.

William O. Bearden, Subhash Sharma, and Jesse E. Teel, "Sample Size Effects on Chi-Square and Other Statistics Used in Evaluating Structural Equations," *Journal of Marketing Research*, 19 (November 1982), 425-430.

William O. Bearden and Michael J. Etzel, "Reference Group Influence on Product and Brand Purchase Decisions," *Journal of Consumer Research*, 9 (Summer 1982), 183-194.

William O. Bearden and Jesse E. Teel, "Selected Determinants of Consumer Satisfaction and Complaint Reports," *Journal of Marketing Research*, 20 (February 1983), 21-28.

William O. Bearden, "Profiling Consumers Who Register Complaints Against Auto Repair Services," *Journal of Consumer Affairs*, 17 (Winter 1983), 315-335.

Subhash Sharma, William O. Bearden, and Jesse E. Teel, "Differential Effects of In-Home Shopping Methods," *Journal of Retailing*, 59 (Winter 1983), 29-52.

Richard L. Oliver and William O. Bearden, "Disconfirmation Processes and Consumer Evaluations in Product Usage," *Journal of Business Research*, 13 (June 1985), 235-246.

William O. Bearden, Donald R. Lichtenstein, and Jesse E. Teel, "Brand Type, Coupon, and Price Format Effects on Consumer Evaluation of Newspaper Appeals," *Journal of Retailing*, 60 (Summer 1984), 11-34.

William O. Bearden and Richard L. Oliver, "The Role of Public and Private Complaining in Satisfaction with Problem Resolution," *Journal of Consumer Affairs*, 19 (Winter 1985), 222-240.

Ellen M. Moore, William O. Bearden, and Jesse E. Teel, "Use of Labeling and Assertions of Dependency in Appeals for Consumer Support," *Journal of Consumer Research*, 12 (June 1985), 90-96.

Richard L. Oliver and William O. Bearden, "Crossover Effects in the Theory of Reasoned Action: A Moderating Influence Attempt," *Journal of Consumer Research*, 12 (December 1985), 324-340.

Jesse E. Teel, William O. Bearden, and Subhash Sharma, "Interpreting LISREL Estimates of Explained Variance in Nonrecursive Structural Equation Models," *Journal of Marketing Research*, 23 (May 1986), 164-168.

Donald R. Lichtenstein and William O. Bearden, "Measurement and Structure of Kelley's Covariance Theory," *Journal of Consumer Research*, 13 (September 1986), 290-296.

William O. Bearden, Mary F. Mobley, and Jesse E. Teel, "An Investigation of Individual Responses to Tensile Price Claims," *Journal of Consumer Research*, 15 (September 1988), 273-279.

Joel E. Urbany, William O. Bearden, and Dan C. Weilbaker, "The Effects of Reference Pricing on Consumer Perceptions and Price Search," *Journal of Consumer Research*, 15 (June 1988), 95-110.

Donald R. Lichtenstein and William O. Bearden, "An Investigation of Consumer Evaluations of Reference Price Discount Claims," *Journal of Business Research*, 17 (September 1988), 189-200.

William O. Bearden, Richard G. Netemeyer, and Jesse E. Teel, "Measurement of Consumer Susceptibility to Interpersonal Influence," *Journal of Consumer Research*, 15 (March 1989), 473-481.

Donald R. Lichtenstein and William O. Bearden, "Contextual Influences on Perceptions of Merchant-Supplied Reference Prices," *Journal of Consumer Research*, 16 (June 1989), 55-66.

William O. Bearden and Randall L. Rose (1990), "Attention to Social Comparison Information: An Individual Difference Factor Affecting Consumer Conformity," *Journal of Consumer Research*, 16 (March), 461-471.

Kelly Shuptrine, William O. Bearden, and Jesse E. Teel (1990), "An Analysis of the Dimensionality and Reliability of the Lennox and Wolfe Revised Self-Monitoring Scale," *Journal of Personality Assessment*, 54 (3,4), 515-522.

Pam E. Scholder, William O. Bearden, and Subhash Sharma (1991), "Resistance to Technological Innovations: An Examination of the Role of Self-Efficacy and Performance Satisfaction," *Journal of the Academy of Marketing Science*, 19 (Fall), 297-308.

Richard G. Netemeyer and William O. Bearden (1992), "A Comparative Analysis of Two Models of Behavioral Intention," *Journal of Academy of Marketing Science*, 20 (Winter), 49-60.

Richard G. Netemeyer, William O. Bearden, and Jesse E. Teel (1992), "Interpersonal Influence and Attributional Sensitivity," *Psychology and Marketing*, 9 (September-October), 379-394.

Randall L. Rose, William O. Bearden, and Jesse E. Teel (1992), "An Attributional Analysis of Resistance to Group Pressure Regarding Illicit Drug and Alcohol Consumption," *Journal of Consumer Research*, 19 (June), 1-13.

William O. Bearden, Randall L. Rose, and Jesse E. Teel (1994), "Correlates of Conformity in the Consumption of Illicit Drugs and Alcohol," *Journal of Business Research*, 30 (May), 25-32.



Dana-Nicoleta Lascu, William O. Bearden, and Randall L. Rose (1995), "Norm Extremity and Interpersonal Influences On Consumer Conformity," *Journal of Business Research*, 32 (March), 201-212.

Richard W. Easley, William O. Bearden, and Jesse E. Teel (1995), "Testing Predictions Derived From Inoculation Theory and The Effectiveness of Self-Disclosure Communications Strategies," *Journal of Business Research*, 34 (October), 93-106.

Terence A. Oliva, Richard L. Oliver, and William O. Bearden (1995), "The Relationships Among Consumer Satisfaction, Involvement, and Product Performance: A Catastrophe Theory Application," *Behavioral Science*, 40 (2), 104-132.

Ajit Kaicker, William O. Bearden, and Kenneth C. Manning (1995), "Component Versus Bundle Pricing: The Role of Selling Price Deviation from Expectations," *Journal of Business Research*, 33 (July), 231-240.

Kenneth C. Manning, William O. Bearden, and Thomas J. Madden (1995), "Consumer Innovativeness and the Adoption Process," *Journal of Consumer Psychology*, 4 (4), 329-346.

Randall L. Rose, William O. Bearden, and Kenneth C. Manning, "Using Individual Differences to Segment the 'Market' for an Attribution-Based Substance Abuse Intervention Program," *Journal of Public Policy and Marketing*, 15 (Fall 1996), 252-262.

Joel E. Urbany, William O. Bearden, Ajit Kaicker, and Melinda Smith-de Borrero, "Transaction Utility Effects When Quality Is Uncertain," *Journal of the Academy of Marketing Science*, 25 (Winter 1997), 45-55.

William O. Bearden, Charles S. Madden, and Kelly Uscategui (1998), "The Pool is Drying Up," *Marketing Research: A Magazine of Management and Applications*, 10 (Spring), 27-33.

Kenneth C. Manning, William O. Bearden, and Randall L. Rose (1998), "Development of a Theory of Retailer Response to Manufacturers' Everyday Lost Cost Programs," *Journal of Retailing*, 74 (Spring), 107-138.

Kelly Tepper, William O. Bearden, and Gary L. Hunter (2001), "Consumers' Need for Uniqueness: Scale Development and Validation," *Journal of Consumer Research*, 28 (June), 50-66.

William O. Bearden, David M. Hardesty, and Randall L. Rose (2001), "Consumer Self-Confidence: Refinements in Conceptualization and Measurement," *Journal of Consumer Research*, 28 (June), 121-134.

Randall L. Rose, William O. Bearden, and Kenneth C. Manning (2001), "Attributions and Conformity in Illicit Consumption: The Mediating the Role of Group Attractiveness", *Journal of Public Policy and Marketing*, 20 (Spring), 84-92.

Kelly Hewett and William O. Bearden (2001), "Dependence, Trust, and Relational Behavior on the Part of Subsidiary Foreign Operations: Implications for Managing Global Marketing Programs", *Journal of Marketing*, 65 (4), 51-66.

Valerie Taylor and William O. Bearden (2002), "The Effects of Price on Brand Extensions Evaluations: The Moderating Role of Extension Similarity," *Journal of the Academy of Marketing Science*, 30 (Spring), 131-140.

David M. Hardesty, Jay P. Carlson, and William O. Bearden (2002), "Brand Familiarity and Invoice Price Effects on Consumer Evaluations: The Moderating Role of Skepticism toward Advertising," *Journal of Advertising*, 31 (Summer), 1-15.

William O. Bearden, Jay P. Carlson, and David M. Hardesty (2003), "Using Invoice Information to Frame Advertised Prices," *Journal of Business Research*, 56 (May), 355-366.

David M. Hardesty and William O. Bearden (2003), "Consumer Evaluations of Different Promotion Types and Price Presentations: The Moderating Role of Promotional Benefit Level," *Journal of Retailing*, 79 (1), 17-25.

Valerie Taylor and William O. Bearden (2003), "Ad Spending on Brand Extensions: Does Similarity Matter?", *Journal of Brand Management*, 2 (September), 63-74.

David M. Hardesty and William O. Bearden (2004), "The Use of Expert Judges in Scale Development: Implications for Improving Face Validity of Measures of Unobservable Constructs," *Journal of Business Research*, 57 (2), 98-107.

Ahmet Kirca, Satish Jayachandran, and William O. Bearden (2005), "Market Orientation: A Meta-Analytic Review and Assessment of Its Antecedents and Impact on Performance," *Journal of Marketing*, 69 (April), 24-41.

William O. Bearden, R. Bruce Money, and Jennifer L. Nevins (2006), "Multidimensional Versus Unidimensional Measures in Assessing National Culture Values: The Hofstede VSM94 Example," *Journal of Business Research*, 59 (February), 195-203.

Daniel C. Feldman, William O. Bearden, and David M. Hardesty (2006), "Varying the Content of Job Advertisements: The Effects of Message Specificity," *Journal of Advertising*, 35 (Spring), 123-142.

Kelly L. Haws and William O. Bearden (2006), "Dynamic Pricing and Consumer Fairness Perceptions", *Journal of Consumer Research*, 33 (December), 304-311.

William O. Bearden, R. Bruce Money, and Jennifer L. Nevins (2006), "A Measure of Long-Term Orientation: Development and Validation," *Journal of the Academy of Marketing Science*, 34 (4), 456-467.

David M. Hardesty, William O. Bearden, and Jay P. Carlson (2007), "Persuasion, Knowledge and Consumer Reactions to Pricing Tactics," *Journal of Retailing*, 83 (2), 199-210.

Jennifer L. Nevins, William O. Bearden, and R. Bruce Money (2007), "Ethical Values and Long-Term Orientation," *Journal of Business Ethics*, 71 (3), 261-274.

Jay P. Carlson, William O. Bearden, and David M. Hardesty (2007), "Influences on What Consumers Know and What They Think They Know Regarding Marketer Pricing Tactics," *Psychology and Marketing*, 24 (2), 117-142.

William O. Bearden and Ronald P. Wilder (2007), "Household Lifecycle Effects on Consumer Wealth and Well-Being for the Recently Retired," *Journal of Macromarketing*, 27 (4), 389-403.

Manning, Kenneth C., William O. Bearden, and Kelly Tian (2009), "Development and Validation of the Agents' Socially Desirable Responding (ASDR) Scale," *Marketing Letters*, 20 (1), 31-44.

Carlson, Jay P., Leslie H. Vincent, David M. Hardesty, and William O. Bearden (2009), "Objective and Subjective Knowledge Relationships: A Quantitative Analysis of Consumer Research Findings," *Journal of Consumer Research*, 35 (February), 864-876.

Haws, Kelly L., Utpal Dholakia, and William O. Bearden (2010), "An Assessment of Chronic Regulatory Focus Operationalizations," *Journal of Marketing Research*, forthcoming.

Colton, Deborah, Martin S. Roth, and William O. Bearden (2010), "Drivers of International E-tail Performance: The Complexities of Orientations and Resources," *Journal of International Marketing*, 18 (1), 1-22.

#### INVITED PUBLICATIONS

William O. Bearden and Charles S. Madden (1996), "A Brief History of the Future of Advertising: Visions and Lessons from Integrated Marketing Communications," *Journal of Business Research*, 37 (November), 135-138.

William O. Bearden, Manoj K. Malhotra, and Kelly H. Uscategui (1998), "Customer Contact and the Evaluation of Service Experiences: Propositions and Implications for the Design of Services," *Psychology and Marketing*, 15 (8), 793-809.

William O. Bearden, Pam S. Ellen, and Richard G. Netemeyer (2000), "Challenges and Prospects

Facing Doctoral Education in Marketing," *Marketing Education Review*, 10 (Spring), 1-14.

William O. Bearden (2001), "Methodological and Statistical Concerns of the Experimental Behavioral Researcher," in D. Iacobucci, ed., *Journal of Consumer Psychology*, 10 (1, 2), 65-66 and 68-69.

Kelly Tepper, and William O. Bearden (2002), "Distinguishing Consumers' Need for Uniqueness from Individuation and General Need for Uniqueness," *Advances in Business Marketing and Purchasing*, Volume 11, A.G. Woodside and E.M. Moore (eds), Amsterdam: JAI, an imprint of Elsevier Science, 171-198.

Richard Netemeyer, Chris Pullig, and William O. Bearden (2002), "Observations of Some Key Psychometric Properties of Paper-and-Pencil Measures," *Advances in Business Marketing and Purchasing*, Volume 11, A.G. Woodside and E.M. Moore (eds), Amsterdam: JAI, an imprint of Elsevier Science Ltd., 115-138.

Bearden, William O., Satish Jayachandran, and Ahmet Kirca (2009), "Impact of Market Orientation" and "Drivers of Market Orientation," in *Empirical Generalizations about Marketing Impact*, Dominique M. Hanssens, ed., Cambridge, MA: Marketing Science Institute, 5-6. Carlson, Jay P., Leslie H. Vincent, David M. Hardesty, and William O. Bearden (2009), "Consumers' Objective and Subjective Knowledge," in *Empirical Generalizations about Marketing Impact*, Dominique M. Hanssens, ed., Cambridge, MA: Marketing Science Institute, 17.

#### **NATIONAL CONFERENCE PUBLICATIONS/PRESENTATIONS**

William O. Bearden, Ted L. Chiao, Roy G. Stout, and Arch G. Woodside, "Attitudes Versus Behavior--Lessons Learned from Cross-Lagged Correlations," in *Attitude Research for High Stakes*, Proceedings of the 8th Annual Research Conference, edited by John Maloney, Chicago: American Marketing Association, 1978.

William O. Bearden, A. William Gustafson, and J. Barry Mason, "A Path-Analytic Investigation of Life Satisfaction Among Elderly Consumers," in W.L. Wilkie (ed.), *Advances in Consumer Research*, Vol. 6, Miami, Florida: Association for Consumer Research, 1978.

Terence A. Shimp and William O. Bearden, "Warranty and Other Extrinsic Cue Interaction Effects on Consumer's Confidence," in Jerry Olson (ed.), *Advances in Consumer Research*, Vol. 7, San Francisco: Association for Consumer Research, 1979.

William O. Bearden, Melissa Crockett, and Jesse E. Teel, "Alternative Frameworks for Predicting Consumer Complaining," in Neil Beckwith et al. (eds.), *1979 Educators' Conference Proceedings*, Chicago: American Marketing Association, 1979.

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Donald R. Lichtenstein, "Contextual Influences On Consumer Perceptions of Price Discount Claims: An Attributional Approach" (defended 1984).

Mary F. Mobley, "An Investigation of Consumer Responses to Tensile Price Claims" (defended 1986).

Pam Scholder Ellen, "The Impact of Self-Efficacy and Performance Satisfaction On Resistance to Change" (Cochaired with Subhash Sharma) (defended 1987).

Richard G. Netemeyer, "A Comparative Analysis of Two Consumer Models of Behavioral Intention" (defended 1988).

Richard W. Easley, "An Experimental Investigation of Attitude Immunization Techniques" (defended 1989).

David J. Snyder, "Brand Name and Price Effects on Consumer Evaluations of Products within a Product Line" (defended 1991).

Dana Lascu, "Normative and Informational Routes to Consumer Conformity: A General Framework and Empirical Tests" (Cochaired with Randy Rose) (defended 1992).

Ajit Kaicker, "Product Bundling and Consumer Perceptions of Value: Tests Across Alternative Purchase Scenarios" (defended 1993).

Kenneth C. Manning, "Retailer Response To Trade Deal Reductions" (defended 1994).

Valerie A. Taylor, "The Role of Price in Consumer Evaluations of Brand Extensions" (defended 1997).

David M. Hardesty, "Consumer Evaluations of Monetary and Nonmonetary Sales Promotions: Conditions Affecting Integration and Segregation of Promotional Offers" (defended 1998).

Kelly H. Uscategui, "Relationship Marketing Within the Global Firm: An Extension of Current Frameworks to Headquarters-Subsidiary Relationships" (Co-chaired with Kendall Roth) (defended 1998).

Jay P. Carlson, "Perceptions of Additional Discount Offers" (defended 2001).

Ahmet H. Kirca, "Implementation of Market Orientation in the Subsidiaries of Multinational Corporations" (Co-chaired with Kendall Roth) (defended 2004).

Kelly L. Haws, "Construing Out of Self-Control Failure" (defended 2007).

Yuliya A. Komarova, "Understanding Marketplace Misbehavior: The Role of Consumer Moral Malleability" (defended 2010).